

\*\*8/28/07

1 Mandy G. Leigh, SBN 225748  
Sarah J. Fairchild, SBN 238469  
2 LEIGH LAW GROUP also DBA EDULEGAL  
870 Market Street, Suite 1161  
3 San Francisco, CA 94102  
Phone: 415-399-9155  
4 Fax: 415-399-9608  
E-mail: mleigh@leighlawgroup.com  
5 sfairchild@leighlawgroup.com  
Attorneys for Plaintiff E.M. by and through E.M. and E.M.  
6

7 Kimberly A. Smith, SBN 176659  
Sarah S. Orman, SBN 246259  
8 FAGEN FRIEDMAN & FULFROST, LLP  
6300 Wilshire Boulevard, Suite 1700  
9 Los Angeles, California 90048  
Phone: 323-330-6300  
10 Fax: 323-330-6311  
Attorneys for Defendant Pajaro Valley Unified  
11 School District  
12

13 **UNITED STATES DISTRICT COURT**  
14 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**  
15

16 E.M., a minor, by and through his parents  
E.M. and E.M.,

17 Plaintiff,

18 vs.

19 PAJARO VALLEY UNIFIED SCHOOL  
20 DISTRICT, OFFICE OF ADMINISTRATIVE  
HEARINGS, and CALIFORNIA  
21 DEPARTMENT OF EDUCATION,

22 Defendants.  
23

CASE NO. C 06-04694 JF

**JOINT STIPULATION TO CONTINUE  
DEADLINE FOR COMPLETION OF  
MEDIATION; [PROPOSED] ORDER**

Trial Date: None

24 Plaintiff E.M., by and through his parents E.M. and E.M., ("Plaintiff") and Defendant  
25 Pajaro Valley Unified School District ("Defendant") (collectively referred to as the "Parties"),  
26 hereby stipulate to the following.  
27  
28

C 06-04694 JF

**RECITALS**

WHEREAS, Plaintiff filed a First Amended Complaint for Damages and Appeal from a Decision of the California Office of Administrative Hearings pursuant to the Individuals with Disabilities Education Act (20 U.S.C. § 1415 *et seq*) ("First Amended Complaint") on December 15, 2006;

WHEREAS, Defendant filed an answer to Plaintiff's First Amended Complaint on January 4, 2007

WHEREAS, a Case Management Conference was held in this matter on July 20, 2007;

WHEREAS, at the Case Management Conference, this Court ordered the Parties to complete a mediation through the Court's Alternative Dispute Resolution program prior to September 7, 2007.

WHEREAS, on July 31, 2007, pursuant to ADR Local Rule 6-6, counsel for the Parties participated in a pre-mediation telephone conference with Daniel Bowling, the mediator assigned to this case ("Mediator").

WHEREAS, counsel for the Parties and the Mediator discussed the issues in the case, the parties' current position, and whether a mediation prior to the trial setting conference set for September 7, 2007 would likely resolve any of the disputed issues between the Parties;

WHEREAS, counsel for the Parties agreed, and the Mediator concurred, that a mediation would likely be more productive after Plaintiff moved to supplement the administrative record at issue in this case;

WHEREAS the Parties agreed, and the Mediator concurred, that mediation should take place after the Court's decision on Plaintiff's motion to supplement the administrative record is issued;

WHEREAS the Parties agreed to discuss the timing for the filing and hearing Plaintiff's motion at the trial setting conference set for September 7, 2007.

WHEREAS the Parties further agree to continue to discuss the dates and deadlines in the case management conference statement.

1 Accordingly, subject to Court approval, IT IS HEREBY STIPULATED BY THE  
2 PARTIES as follows:

3 **STIPULATION**

4 1. The September 7, 2007 deadline for the Parties to hold a mediation in this case  
5 shall be vacated; and

6 2. The Parties shall reconvene a pre-mediation phone conference with the Mediator,  
7 following the Court's determination on Plaintiff's motion to supplement the administrative record  
8 for the purposes of setting a date for mediation in this case.

9  
10 DATED: August 13, 2007

LEIGH LAW GROUP

11  
12 By: /s/ Mandy G. Leigh

Mandy G. Leigh

13 Attorneys for Plaintiff E.M. by and through E.M.  
14 and E.M.

15 DATED: August 13, 2007

FAGEN FRIEDMAN & FULFROST, LLP

16  
17 By: /s/ Kimberly A. Smith

Kimberly A. Smith

18 Attorneys for Defendant Pajaro Valley Unified  
19 School District

20 I, KIMBERLY A. SMITH, am the ECF User whose ID and password are being used to file  
21 this JOINT STIPULATION TO CONTINUE DEADLINE FOR COMPLETION OF  
22 MEDIATION; [PROPOSED] ORDER. In compliance with General Order 45, X.B., I hereby  
23 attest that MANDY LEIGH, counsel for Plaintiff, has concurred in this filing.

24 DATED: August 13, 2007

FAGEN FRIEDMAN & FULFROST, LLP

25  
26 By: /s/ Kimberly A. Smith

Kimberly A. Smith

27 Attorneys for Defendant Pajaro Valley Unified  
28 School District

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

E.M., a minor, by and through his parents  
E.M. and E.M.,

Plaintiff,

vs.

PAJARO VALLEY UNIFIED SCHOOL  
DISTRICT, OFFICE OF ADMINISTRATIVE  
HEARINGS, and CALIFORNIA  
DEPARTMENT OF EDUCATION,

Defendants.

CASE NO. C 06-04694 JF

**[PROPOSED] ORDER**

Trial Date: None

PURSUANT TO STIPULATION OF THE PARTIES, IT IS HEREBY ORDERED that  
the Court's deadline of September 7, 2007 for the Parties to conduct a mediation in this case shall  
be vacated;

IT IS FURTHER ORDERED THAT, upon the Court's ruling on Plaintiff's motion to  
supplement the administrative record in this matter, the Parties will contact the Mediator to  
schedule a mediation in this case.

IT IS SO ORDERED.

DATED: 8/27/07

  
\_\_\_\_\_  
Judge of the United States District Court  
for the Northern District of California

C 06-04694 JF

[PROPOSED] ORDER